

Virginia Board of Dentistry
Policy on Sanctioning for
Practicing with an Expired License

Excerpts of Applicable Law, Regulation and Guidance

- No person shall practice dentistry unless he possesses a current valid license, §54.1-2709.A
- No person shall practice dental hygiene unless he possesses a current valid license, §54.1-2722.A
- Licenses must be renewed annually, 18 VAC 60-20-20.A
- Practicing with an expired license may subject the licensee to disciplinary action and additional fines, 18 VAC 60-20-20.C.2
- Confidential Consent Agreements may be used to address an unintentional lapsed license up to 90 days, Guidance Document: 60-1
- Licensees shall provide the board with current addresses and notice is validly given by the board when mailed to the latest address given, 18 VAC 60-20-16

A. Guidelines for Offering a Confidential Consent Agreement

1. A Special Conference Committee shall only offer a CCA for a first offense.
2. A Special Conference Committee (SCC) shall offer a CCA to a licensee in a case where there is only one finding of probable cause and that finding is that his license was expired for up to 90 days.
3. A SCC shall offer a CCA to a licensee in a case where there are only two findings of probable cause and those findings are that (1) his license was expired for 90 days or less, and (2) he failed to provide a current address.
4. In cases where there are findings of probable cause for violations in addition to an expired license for 90 days or less and an address not being kept current, a SCC may offer a CCA consistent with the Policy on CCAs/Confidential Consent Agreements adopted July 11, 2003.
5. The offered CCA shall include a finding that a violation occurred and shall request the licensee's agreement to henceforth keep his license and address current.

B. Guidelines for Imposing Disciplinary Sanctions

1. A SCC shall offer a Pre-Hearing Consent Order (PHCO) to a licensee for a second and for subsequent offenses where there is a finding of probable cause and that finding is that his license was expired for 90 days or less.
2. A SCC shall offer a Pre-Hearing Consent Order (PHCO) to a licensee in a case where there is only one finding of probable cause and that finding is that his license was expired for a period longer than 90 days but less than 365 days.
3. A SCC shall offer a PHCO to a licensee in a case where there are only two findings of probable cause and those findings are that (1) his license was expired

- for a period longer than 90 days but less than 365 days and (2) he failed to provide a current address.
4. In cases where there are findings of probable cause for violations in addition to an expired license and an address not being kept current, a SCC may offer a PHCO or hold an informal fact finding conference.
 5. A SCC shall consider the following sanctioning guidelines:
 - a. For a license expired for less than 180 days – First Offence – Reprimand
 - b. For a license expired for less than 180 days – Subsequent Offences – Reprimand and a \$500 monetary penalty
 - c. For a license expired for more than 180 days but less than 365 – First Offense - Reprimand and \$500 monetary penalty
 - d. For a license expired for more than 180 days but less than 365 – Subsequent Offenses - Reprimand and \$1000 monetary penalty
 - e. For an address not being kept current – \$500 monetary penalty